

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 05-0140-SWH-01
)	
MATTHEW H. LEIGHTON,)	
)	
Defendant.)	

MOTION OF THE UNITED STATES FOR
PRETRIAL DETENTION AND A HEARING PURSUANT
TO TITLE 18, UNITED STATES CODE, SECTION 3142(f)

COMES NOW the United States of America, by Todd P. Graves, United States Attorney, and the undersigned Assistant United States Attorney, both for the Western District of Missouri, and hereby moves the Court to hold a hearing pursuant to 18 U.S.C. § 3142(f), for the purpose of demonstrating that no condition or combination of conditions of release will reasonably assure the safety of other persons and the community.

SUPPORTING SUGGESTIONS

1. Subsection 3142(f), Title 18, United States Code, provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is in any one of the following categories:

A. The case involves a crime of violence, a term defined at Section 3156 to include either:

1. An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another;

2. any other offense that is a felony and by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission; or

3. any felony under chapter . . . 110 [18 U.S.C. §§ 2251 through 2260], or 117 [18 U.S.C. §§ 2421 through 2427.]

B. The case involves an offense where the maximum sentence is life imprisonment or death.

C. The case is a narcotics case under Title 21, United States Code, for which imprisonment for ten years or more is prescribed.

D. Any felony, even a non-violent felony not involving drugs, if the person already has two or more convictions for a crime of violence, a crime punishable by life imprisonment, or a ten year drug felony.

2. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit:

A. The Defendant is Charged with a Crime of Violence

The magistrate has found probable cause to believe that the defendant committed a violation of Chapter 117, that is: use of a facility of interstate commerce to entice a minor to engage in illegal sexual activities (§ 2422(b)). This is a crime of violence as defined by 18 U.S.C. § 3156(4)(C) and referred to in 18 U.S.C. § 3142(f)(1)(A).

B. Rebuttable Presumption of Bond Conditions

The magistrate has found probable cause to believe that the defendant committed a violation of Title 18, United States Code, Section 2422(b), that is: use of a facility of interstate commerce to entice a minor to engage in illegal sexual activities. Pursuant to Title 18, United States Code, Section 3142(e), it shall be presumed, subject to rebuttal by the person, that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community.

_____ C. The Defendant is a Risk to the Community

_____ Because the defendant made and carried through specific plans to travel to have sex with a minor he met online, he demonstrated his ability to actualize his criminal intentions with a real victim. His pattern of activity also indicates an interest in minors of increasingly younger ages. In addition to the said offense involving the undercover officer acting as a 13-year-old, Leighton estimated that he has met 100 girls in person that he initially met online. Of these 100 girls, he has had sex with 10 of them. Most recently,

in June 2004, Leighton met a 17-year-old female online and met her in person to have sex. In January 2005, Leighton met a 15-year-old female online and they met three-four times for sexual contact and intercourse. Between April - May, Leighton met a 15-year-old online who he met in person, got her drunk, and had sex with her. Leighton used AOL to go into Missouri chatrooms on these occasions. Since his arrest on July 19, 2005, the FBI has seen Leighton continue to utilize his instant messenger screen names online.

WHEREFORE, the Government respectfully requests that this Honorable Court set a detention hearing to demonstrate that no condition or combination of conditions will reasonably assure the safety of the community. The government further requests that the Court thereafter detain defendant without bail.

Respectfully submitted,

Todd P. Graves
United States Attorney

By s/Cynthia L. Phillips

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be hand-delivered to the defendant at the Office of the United States Marshals Service, 400 East 9th Street, Kansas City, Missouri 64106.

s/Cynthia L. Phillips

Cynthia L. Phillips

Assistant United States Attorney

CLP/mrt